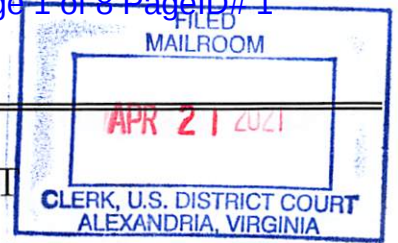


Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)



UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia



Alexndria Division

MARC J. STOUT

Case No.

1:21-CV-493-CMH/TCB
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

1ST SGT. HARRIS,
DEPUTY M. FOSTER

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	MARC J. STOUT		
Address	30 WILLOW BRANCH PLACE		
	FREDERICKSBURG	VA	22405
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	STAFFORD		
Telephone Number	(540) 408-9952		
E-Mail Address	FORMULAFOCUSED@GMAIL.COM		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	1ST SGT. HARRIS		
Job or Title (if known)	SPOTSYLVANIA COUNTY DEPUTY		
Address	9119 DEAN RIDINGS LANE		
	SPOTSYLVANIA	VA	22553
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address (if known)			

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name	DEPUTY M. FOSTER		
Job or Title (if known)	SPOTSYLVANIA COUNTY DEPUTY		
Address	9119 DEAN RIDINGS LANE		
	SPOTSYLVANIA	VA	22553
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address (if known)			

☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City

State

Zip Code

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City

State

Zip Code

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

FOURTH AMENDMENT VIOLATION: ARRESTED WITHOUT PROBABLE CAUSE;
FOURTH AMENDMENT VIOLATION: SEARCHED WITHOUT PROBABLE CAUSE;
FOURTEENTH AMENDMENT VIOLATION: DENIED LIBERTY WITHOUT DUE PROCESS

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

DEFENDANTS WERE UNIFORMED POLICE OFFICERS AND IDENTIFIED THEMSELVES AS SUCH.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

SPOTSYLVANIA COUNTY, VIRGINIA

- B. What date and approximate time did the events giving rise to your claim(s) occur?

APRIL 11, 2021, BETWEEN 12:00 PM - 3:00 PM

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

SEE ATTACHED "STATEMENT OF CLAIM III. C."

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

LOSS OF LIBERTY;
LOSS OF REPUTATION;
MENTAL AND EMOTIONAL ANGUISH AND DISTRESS

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

COMPENSATORY DAMAGES IN AN AMOUNT TO BE DETERMINED;
PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/16/2021

Signature of Plaintiff

/s/

Printed Name of Plaintiff

Marc J. Stout

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

STATEMENT OF CLAIM III. C.

1. Stout was walking through the Spotsylvania Mall parking lot.
2. Foster pulled into the parking lot, got out of his police vehicle, and commanded Stout to "come here!"
3. Stout submitted to Foster's command.
4. Foster told Stout that Foster was investigating a claim by a mall security guard that Stout threw a bag containing a white substance on the floor inside the mall.
5. Stout and Foster engaged in a stand-off in the mall parking lot. Other deputies arrived on scene. Stout continued to engage in a stand-off with all of the deputies.
6. Harris arrived in his police vehicle, got out, and commanded Stout to place his hands behind his back.
7. Harris told Stout that Stout was under arrest. Stout asked Harris, "For what?" Harris responded to Stout, "For whatever Foster says you're under arrest for."
8. Stout asked Foster what Stout was under arrest for. Foster responded to Stout, "You're under arrest for possession of an imitation controlled substance."
9. Stout insisted to both defendants that they get Stout to the magistrate as soon as possible. Due to Stout's insistence the defendants became visibly apprehensive and unsure of their decision.
10. Stout asked the defendants which substance they were alleging Stout imitated. Harris responded, "Probably MDMA since that's what's spelled on your shirt." Foster responded, "Maybe cocaine."

11. I informed the defendants that there was no law or statute in Virginia prohibiting the possession of an imitation controlled substance. At this point the defendants started to become visibly worried and concerned.

12. The defendants searched Stout incident to Stout's arrest.

13. The defendants field-tested the white substance. The field-test produced a negative result.

14. Harris forcibly identified Stout under threat of arrest, stating to Stout that "anytime drugs are involved, you have to identify or it's obstruction."

15. Harris arrested Stout once before for obstruction of justice for refusing to identify. Stout was found not-guilty at trial. The judge explained to Harris that Virginia is not a stop-and-identify state. Stout filed a lawsuit against Harris in this court over that incident. That action is pending.

16. The defendants released Stout and the "possession of an imitation controlled substance" charge was dropped on-scene.

17. Stout recorded the incident Live on YouTube. Stout has lost subscribers since the arrest was streamed. Stout's subscribers have lost faith in Stout's credibility because the defendants forcibly subdued Stout into a state of compliance. Compliance with the police is disfavored amongst Stout's viewers.

18. The defendants' conduct was intentional, reckless, outrageous, intolerable, and severe.

19. The defendants acted with evil motive or intent, or callous or reckless disregard for Stout's federally protected rights.